

**Minutes
Bar Harbor Planning Board
June 20, 2007**

Members present: Kay Stevens-Rosa, Chair; Mike Gurtler; Kevin Cochary

Also present: Anne Krieg, Planning Director; Kris Hultgren, Staff Planner; Lee Bragg, Esq., Town Attorney

I. CALL TO ORDER — 5:30 p.m.

II. EXCUSED ABSENCES

Ms. Jennifer Booher and Ms. Sarah Stanley

III. ADOPTION OF THE AGENDA

Ms. Stevens-Rosa moved to approve the agenda. Mr. Gurtler seconded, the Board voted unanimously to approve the agenda.

Ms. Krieg introduced Kris Hultgren as the new staff planner in the Bar Harbor planning office.

Ms. Krieg explained that there would only be two voting members for the Cadillac Management and Machias Bank projects should the Board render a decision. This is due to the excused absences of Ms. Booher and Ms. Stanley and the recusal of Ms. Stevens-Rosa from these projects. Ms. Krieg encouraged applicants to discuss the issues with the Board when the Board gets to the respective agenda items.

IV. REGULAR BUSINESS

A. Continuation of a Public Hearing – SP-06-08 Cadillac Management Company, LLC

Project Location: 322, 330, and 336 Main Street, Bar Harbor Tax Map 108, Lots 30, 38, 39, and 40

Applicant: Cadillac Management Company, LLC

Application: The application proposes to build an addition (approximately 11,500 SF) to the existing Cadillac Mountain Office Building, with accompanying changes to parking and pedestrian circulation.

A motion made to recuse Ms. Stevens-Rosa from the Public Hearing was passed

Perry Moore, representative for the applicant, reviewed revisions with the Board.

Mr. Moore submitted a revised parking plan to the Board in response to the trees on site, the shared-parking agreement and parking credits.

Mr. Moore requested that the applicant not move toward a decision tonight.

Mr. Moore indicated that the revised parking plan has 46 spaces instead of 57 and that is more than is required by the ordinance when the tree credits are factored in.

Mr. Moore described the updated traffic report showing the entire square footage of the project. The last traffic report was done when Ledge lawn was closed to construction. A new traffic report would be done when Ledge lawn is complete.

Mr. Moore noted for the record that trees to be removed are Norway trees and considered “trash” trees. The 18” trees, as the English Hawthorne and Cedar trees, would remain.

Mr. Gurtler noted his appreciation for the spirit in which the new proposal was presented but does not consider the new plan positive because of the loss of the 5 parking spaces. Mr. Gurtler also noted concern about the entrances to the development having two entrances off of Main Street.

Mr. Cochary noted some confusion on the actual number of parking spaces eliminated in the new parking plan submitted by the applicant. It was not clarified whether the new parking plan eliminated 10 or 11 spots but it would be cleared up for the next meeting when an updated plan is submitted.

Mr. Gurtler asked town attorney Lee Bragg to clarify language in the shared parking agreement about the difference between “leased” area and “leasable” area. Mr. Bragg agreed that there is a difference between the two terms related to parking. Mr. Moore did not have problem with the change in language from “leased” area to “leasable” area because it’s consistent with the language in the ordinance.

Mike Ross, attorney for the applicant, expressed concern about the credibility of the shared parking agreement in its entirety because of inconsistencies within the LUO. His concern related to when the 2 parking spots per 1,000 SF standard was used versus the 4 parking spots per 1,000 SF standard. Mr. Bragg said he was not troubled with the language of the shared parking agreement and agreed with the Planning Board’s interpretation.

Mr. Moore echoed Mr. Ross’s comments about the parking requirements by referring to the LUO specifically and its definition of a medical clinic and a professional office building. Mr. Moore said that the professional office building requirement says 2 parking spaces per 1,000 SF but because of neighborhood concerns the applicant is working on a 4 parking spaces per 1,000 SF standard.

Mr. Ross reiterated his discomfort with the details of the shared parking agreement because in his view it imposes a double standard on his client.

Mr. Gurtler said the Board will take into consideration the difficulty the applicant has in abiding by the town's parking ordinance.

Mr. Moore explained his discomfort using the maximum build out scenario for parking because he does not see that requirement anywhere in the ordinance.

Mr. Moore wants to continue the discussion over parking during the July 18th meeting after a new parking plan is submitted.

Mr. Moore reiterated that his client has met the conditions of the Land Use Ordinance and the project was signed off by the Design Review Board. He recognized the challenges that come with a commercial development that abuts a residential district but said his client has met the standards in the Land Use Ordinance.

Mr. Cochary said the Board does have the ability to look at the project in its totality and reduce the scope of the project.

Mr. Gurtler suggests keeping public comment open until the July 18 meeting.

Mr. Ross asked that enough time be given to the public to respond to the new plan and suggests a possible special meeting.

Ms. Krieg asked about a dead-end curb-cut that is now open and Mr. Moore confirmed that, yes, the dead-end curb-cut is now open.

Mr. Gurtler opened the meeting to public comment but asked that any comments be directed toward new information and not items that were discussed previously because public comment on a new plan will be allowed at the July 18 meeting.

Mr. Patterson, representing Mr. Colket, has comments about the shared parking agreement but will share them at the next meeting on July 18.

Mr. Gurtler suggested that Mr. Patterson work with Mr. Bragg to go over his points about the shared parking agreement.

Victor Sierge from the public offered an idea to solve the parking problem by excavating some of the land and putting parking underground.

Mary Dudzik, speaking for herself as an abutter and not as an employee of MDI Hospital, wanted to thank the applicant for working with the neighborhood to protect the trees. She is pleased to hear that the applicant may be open to scaling down the size of the project.

Mr. Cochary made a motion to continue the public hearing to July 18 and it was seconded by Mr. Gurtler. The Board voted unanimously to continue the public hearing at the July 18 meeting.

B. Continuation of a Public Hearing – SD-07-01 Okeden

Project Location: 8 Peach Street, Bar Harbor Tax Map 111, Lot 23

Applicant: Okeden Associates, LLC

Application: Amend the previous subdivision application in 1979 (revised 1981) to partition the former Dwyer (now Okeden Associates, LLC) land into three lots.

Michael Ross, representing the applicant, gave an overview of the project

Mr. Ross described a minor change needed to parcel B-3 that moves the lot line so it is 100 ft. from the shore.

Mr. Gurtler asked if the waiver and building permit were granted would the Peach St. access up to Main St. be abandoned. Mr. Ross said yes.

Ms. Krieg confirmed that the lot needed to be moved back to 100' to make the lot compliant with the town's shoreline zoning.

Language for the common area has not been drafted in any final form. Mr. Ross says the owners are still working out the details.

Ms. Krieg urged the applicant to get something in writing on the record about the common language between lots B-1, B-2, B-3 in terms of the shore frontage.

Ms. Stevens-Rosa expressed concern about the historic building on the site and possible affects due to construction on the site.

Mr. Gurtler asked for some clarification about a letter from the applicant that indicated where on parcel B-3 they might build. Mr. Ross replied that he is not sure where the applicant intends to build but he does not want to limit their options

Ms. Krieg asked about the possibility of moving the lot line of lot B-3 so that more of lot B-3 could be considered for a possible building footprint.

Ms. Stevens-Rosa asked if the moving of the lot line of lot B-3 was ever considered.

Mr. Ross said that he considered that idea a reasonable suggestion.

Ms. Stevens-Rosa opened up the meeting to public comment.

Carey Turnbull, abutter, provided an aerial of lot under discussion. He asked that the developer take into consideration the viewshed of his property.

Vikki Evers, abutter, said that when the property was originally subdivided in the 1930's, houses were assumed to be built away from the shorefront.

Mr. Turnbull said moving the lot line of B-3 doesn't do anything to address his concerns about the proposed building site.

Mr. Ross said there is no proposed building site for the subdivision.

Mr. Ross said that monetary offers were made to his client to buy the property but his client has no intention of selling the property

Vikki Evers responded to Mr. Ross and said that she heard that parcel B-3 was going to be sold so that's why an offer was made. She also would like to know if it is in the Planning Board's power to require that any structure built on B-3 be constructed as far back as buildings on abutting lots to protect the viewshed of all buildings

Mr. Gurtler said the Board does not have the power to impose an area for construction and Mr. Bragg confirmed the point.

Mr. Ross said he has seen no plans from his client to build in the wooded portion of lot B-3 near the shoreline but his client will not be coerced into a decision they have not made at this time

Vikki Evers asked to clarify whether or not a property owner can build more than one home on a parcel.

Ms. Krieg confirmed that this is possible because the minimum square footage requirement for the Bar Harbor Historic zone is 40,000 SF per family so a family compound type development is possible. The shoreline zoning minimum square footage per family is 30,000 SF.

Mr. Turnbull commented that he is not trying to coerce anyone.

Mr. Turnbull submitted an easement on the property for the record.

Mr. Gurtler said that because some changes to the subdivision lot lines will be made a decision is not appropriate at this time.

A motion was made to continue public comment on Okeden to the July 18th meeting made by Mr. Cochary, seconded by Mr. Gurtler. The Board voted unanimously on the motion.

C. Public Hearing – SP-07-01 Machias Savings Bank

Project Location: 100 Cottage Street, Bar Harbor Tax Map 104, Lots 230 & 231.

Applicant: A4 Architects, William Hanley

Application: Construct a 9,000 SF commercial building.

A motion was passed to recuse Ms. Stevens-Rosa from this agenda item because of her involvement with the applicant.

Ms. Stevens-Rosa recused herself from the hearing and left the council chambers.

Machias Bank representative, Bill Hanley, updated the Board on changes made to the previous site plan.

Mr. Hanley described architectural changes made to the building as a result of meetings with the Design Review Board. He said the decision was made to close off the Ash St. entrance so all traffic coming into the bank parking lot would be from Holland Ave. and exit onto Cottage St. Other information submitted include an updated lighting plan and traffic study.

Michael Waugh from the James Sewall Company, a traffic engineering firm, introduced Meredith Kirkman from the same company and Meredith described the submitted traffic study they conducted. She indicated that weekday PM peak hour will generate 118 vehicle trips and this includes pedestrian and bike trips.

John Hayward of Machias Bank provided some additional traffic information using internal bank information. His study predicted in an average trip generation of 28.4 trips.

Ms. Kirkman described the traffic impact on intersections and said none would fall below a "C" rating.

Ms. Kirkman says there are no high crash locations in the proposed site.

A MDOT traffic permit is required and the scoping meeting was held on Tuesday, June 19.

Mr. Cochary voiced concern about the increase of traffic coming down Holland Ave. because the street is so narrow.

Mr. Waugh said the expansion of Holland Ave. will mitigate the increased traffic somewhat but the mitigation only includes a portion of Holland Ave. up to approximately the laundramat.

Mr. Gurtler raised some concern about the pedestrian traffic flowing up Holland to the banks rear entrance. The sidewalk stops because of the entrance to the bank and

doesn't continue because the bank doesn't control the land beyond their entrance. The sidewalk continues on the other side of the street.

Mr. Cochary asked about the utility poles the applicant intends to move. Mr. Cochary raised the possibility of putting the utility underground.

Mr. Hayward said the problem with that is the telephone service because of coordinating with Verizon. It is expensive and Verizon will not pay to go underground.

Mr. Cochary asked the applicant to look into the possibility of going underground with the utility.

Mr. Hayward said the bank will consider going underground and look into moving the telephone poles to provide more space for traffic on Holland Ave.

Mr. Cochary asked the applicant to speak to the concerns of Hannaford and the letter they wrote for the record.

Mr. Gurtler opened the session to public comment.

Patricia Samuel, owner of Greycote Inn spoke in favor of the project. She believes it's a good use of the land but has concerns about the lighting and its impact on dark sky preservation.

Ben Hayes, representing Hannaford, spoke about parking concerns. He does not believe there is adequate parking and is concerned about the spillover effects of not enough parking. Ben asked that the construction schedule be sympathetic to the busy time of year for Hannaford.

Mr. Hayes also voiced concern about the leasable space on the second floor of the bank and its impact on parking

Mr. Sergi, a member of the public, voiced concern about the overall traffic impact of the bank on the area.

Bill asked if the Board would consider scheduling a special session to make a decision.

Mr. Cochary made a motion to close the public comment. It was seconded by Mr. Gurtler and voted on unanimously by the Board. Mr. Cochary made a motion to hold a special session on or before 7.18.07. It was seconded by Mr. Gurtler and voted on unanimously by the Board.

V. OTHER BUSINESS

A. Review Draft decision of Pelletier subdivision approval

The Board authorized endorsement

B. Request from CES, Inc. on behalf of the applicant Shaw & Gott, LLP to extend time to file SD-06-20 Knox Road Subdivision under Section 125-74.B in the Bar Harbor Land Use Ordinance

Mr. Gurtler moved to approve CES, Inc's request to extend time to file SD-06-20.

Mr. Cochary seconded and the Board voted unanimously to approve the request.

VI. PLANNING DIRECTOR'S REPORT

A. Comprehensive Plan Update

Ms. Krieg said the Town Council approved the final documents of the implementation plan, regional coordination plan and the goals, policy and strategies. The documents will be posted for public comment at a meeting on July 24 in the Council Chambers. Ms. Krieg is working to put together a condensed version of the comprehensive plan.

Ms. Krieg received a request for a site visit from Perry Moore for Salisbury Woods.

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

No comments were made

VIII. ADJOURNMENT - 9:30 PM

A Motion was made by Mr. Gurtler to adjourn and seconded by Mr. Cochary.

Signed as approved:

Sarah Stanley, Secretary
Planning Board, Town of Bar Harbor

Date